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TRANSMITTAL FORM

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Total Number of Pages in This Submission

Application Number	10/780,126
Filing Date	02/17/2004
First Named Inventor	David McKay
Art Unit	3754
Examiner Name	
Attorney Docket Number	611920-23 fka NOR1162-031

ENCLOSURES (Check all that apply)

<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input checked="" type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Reply to Missing Parts/ Incomplete Application <input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____ <input type="checkbox"/> Landscape Table on CD	<input type="checkbox"/> After Allowance Communication to TC <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): POSTCARD FILING RECEIPT
Remarks Please note that Claims 20 - 31 have been cancelled; therefore, no additional fees should be due for excess claims.		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm Name	Schottenstein, Zox & Dunn Co., L.P.A.		
Signature			
Printed name	Roger A. Gilcrest		
Date	December 6, 2006	Reg. No.	31,954

CERTIFICATE OF TRANSMISSION/MAILING

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Series No.: 10/780,126
Group Art Unit: 3754
Filing Date: 02/17/2004
Inventor: David McKay
Title: CONICAL SHELL GRASPING AND RETAINING APPARATUS,
METHOD FOR COATING INVERTED CONICAL SHELLS, AND
MODULAR AND RECONFIGURABLE FROZEN CONE
CONFECTION MANUFACTURING SYSTEM AND METHOD

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

PRELIMINARY AMENDMENT

In response to the Notice of Non-Compliant Amendment mailed November 7, 2006, the Applicant herewith submits a preliminary amendment cancelling claims 20-31 drawn to a method of grasping in anticipation that these claims would be subject to a Restriction Requirement later on upon Examination. These claims are being cancelled without prejudice. Based on this Preliminary Amendment, claims 1-19 remain pending and ready for examination.

An action on the merits of the claims and a Notice of Allowance thereof are respectfully requested. A complete listing of the claims begins on page 2 of this paper.

Remarks/Arguments begin on page 15 of this paper.